



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE

PAYMENT CARD INTERCHANGE FEE
AND MERCHANT DISCOUNT
ANTITRUST LITIGATION

This Document Relates To:

All Actions

Master File No.: 1:05-md-1720(JG)(JO)

ORAL ARGUMENT REQUESTED

**DEFENDANTS' NOTICE OF MOTION TO EXCLUDE CERTAIN OPINIONS OF
CLASS PLAINTIFFS' ECONOMIC EXPERT DR. ALAN S. FRANKEL**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Their Motion to Exclude Certain Opinions of Class Plaintiffs' Economic Expert Dr. Alan S. Frankel and Transmittal Declaration of Matthew Freimuth in Connection with Defendants' Motions to Exclude the Opinions of Dan Ariely, Victor Fleisher, Alan S. Frankel, Kevin F. Henry, Joseph Stiglitz, and Christopher A. Velturo and exhibits annexed thereto, the undersigned Defendants will move this Court at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201-1818, on a date and time determined by the Court, for an Order to exclude the testimony of Dr. Alan S. Frankel.

PLEASE TAKE FURTHER NOTICE that Defendants request oral argument on this motion.

Dated: New York, New York
February 11, 2011

Respectfully submitted,

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Feb 11 2011
1:25PM

CERTIFICATE OF SERVICE

The undersigned, an attorney duly admitted to practice law before this Court, hereby certifies under penalty of perjury, that on February 11, 2011, I caused a true copy of the foregoing:

- Defendants' Notice of Motion For Summary Judgment;
- Defendants' Memorandum of Law in Support of The Motion for Summary Judgment as to the Claims in the Second Consolidated Amended Class Action Complaint;
- Defendants' Statement of Material Facts as to Which There Is No Genuine Issue To Be Tried;
- Transmittal Declaration In Connection With Defendants' Motion For Summary Judgment And Statement Of Material Facts As To Which There Is No Genuine Issue To Be Tried (without exhibits);
- Defendants' Notice of Motion to Exclude Certain Opinions of Class Plaintiffs' Economic Expert Dr. Alan S. Frankel; and
- Defendants' Memorandum of Law in Support of The Motion to Exclude Certain Opinions of Class Plaintiffs' Economic Expert Dr. Alan S. Frankel

to be served electronically through LexisNexis File & Serve upon counsel of record for the parties. I further certify that I caused *Transmittal Declaration In Connection With Defendants' Motion for Summary Judgment And Statement of Material Facts As To Which There Is No Genuine Issue To Be Tried with attached Exhibits 1-250* to be served by Federal Express on the following:

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